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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,229	10/17/2001	Randy P. Stanley	INTL-0669-US (P12987)	5575

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EXAMINER

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/981,229		STANLEY, RANDY P.	
	Examiner		Art Unit	
	Paul Nguyen-Ba		2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Applicant's Amendments and Remarks filed on 10/3/2005.
2. Claims 1-17 are currently pending. Claims 1, 6, and 11 are independent.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-5, 16, and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 1, the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. §101. Said claim needs to be directed toward a "computer-implemented" method.

Claims 2-5, 16, and 17, are dependent upon claim 1, and do not add any limitations that would render these claims statutory under 35 U.S.C. § 101. Therefore, these claims are likewise rejected.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-8, 10-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Intellisync for Notebooks 2.0 Quick Reference Guide (“Intellisync”), Puma Technology, Inc., Feb. 2000, pgs. 1-19.

Regarding Independent Claim 1, Intellisync discloses:

receiving in an electronic device (see pg. 2: 1st-3rd paragraphs; pg. 3: 1st paragraph → i.e. notebooks, PDA devices, pagers, etc.), *at least two items of address data* (see pg. 2: 2nd paragraph → synchronizes address book data) *used with personal information management software* (see pg. 2: 2nd paragraph; pg. 3: 1st paragraph → PIM (Personal Information Management) data); and

comparing said two items of address data in said device to determine whether the items are consistent with each other (see pg. 10: 2nd full paragraph; pg. 15: last paragraph *et seq.* → compares and updates two sets of files (i.e. address book data) and resolves any conflicts between them).

Regarding Claim 2, Intellisync discloses:

comparing the address data to data in a database on a processor-based system that also stores said personal information management software (see pg. 2: 2nd paragraph; pg. 3: 1st paragraph; pg. 10: 2nd full paragraph; pg. 15: last paragraph *et seq.* → compares address data to address data from other notebook PCs, various PDA devices, smart phones, and pagers, etc.).

Regarding Claim 3, Intellisync discloses:

comparing the address data to data accessible through a network (see pg. 2: 2nd paragraph → synchronize between your PC and your network).

Regarding Claim 5, Intellisync discloses:

automatically determining whether data sought to be entered into personal information management software is consistent with data stored in an independent database (see pg. 10: 2nd full paragraph; pg. 15: last paragraph *et seq.* → compares and automatically updates (i.e. synchronizes) two sets of files (i.e. address book data) and resolves any conflicts between them).

Claims 6 and 11 incorporate substantially similar subject matter as claim 1, and are rejected along the same rationale.

Claims 7 and 12 incorporate substantially similar subject matter as claim 2, and are rejected along the same rationale.

Art Unit: 2176

Claims 8 and 13 incorporate substantially similar subject matter as claim 3, and are rejected along the same rationale.

Claims 10 and 15 incorporate substantially similar subject matter as claim 5, and are rejected along the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intellisync for Notebooks 2.0 Quick Reference Guide ("Intellisync"), Puma Technology, Inc., Feb. 2000, pgs. 1-19, in view of Hertzog et al. ("Hertzog"), U.S. Patent Application Publication No. 2003/0069874.

Regarding Claim 4, Intellisync discloses comparing the address data to data accessible through a network (see pg. 2: 2nd paragraph → synchronize between your PC and your network), but does not explicitly teach wherein the network is the Internet.

However, Hertzog discloses:

comparing the address data to data accessible through the Internet (see para [0002] → synchronization of personal information, such as contact and address information, between multiple users connected to a network, such as the Internet).

Since both references are from the same field of endeavor, the motivational purpose of a more efficient means of synchronization of personal information management as disclosed by Hertzog would have been recognized in the pertinent art of Intellisync. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Intellisync with the teachings of Hertzog to include comparing the address data to data accessible through the Internet.

Claims 9 and 14 incorporate substantially similar subject matter as claim 4, and are rejected along the same rationale.

9. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intellisync for Notebooks 2.0 Quick Reference Guide (“Intellisync”), Puma Technology, Inc., Feb. 2000, pgs. 1-19, in view of French et al. (“French”), U.S. Patent No. 6,496,936.

Art Unit: 2176

Regarding Claims 16 and 17, Intellisync does not explicitly disclose correlating a postal or area code with a geographic region to determine whether the data is consistent. However, French discloses verifying whether the postal/area code and geographic region (i.e. city, state) agree and are consistent with one another (see col. 7 lines 59-67; col. 10 lines 9-28; col. 18 lines 1-12).

Since both references are from the same field of endeavor, the motivational purpose of a more efficient means of verifying personal information of a user as disclosed by French would have been recognized in the pertinent art of Intellisync. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Intellisync with the teachings of French to include correlating a postal or area code with a geographic region to determine whether the data is consistent.

Response to Arguments

10. Applicant's arguments with respect to claims filed on 10/3/2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record on form PT0-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

12/14/2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
12/17/2005